

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

No. 21-md-3010 (PKC)

This Stipulation Relates To:

THE STATE OF TEXAS, *et al.*,

Plaintiffs,

- against -

GOOGLE LLC,

Defendant.

No. 21-CV-6841 (PKC)

(and Order)
**STIPULATION REGARDING
STATE PLAINTIFFS' STATE LAW CLAIMS**

Defendant Google LLC ("Google") and Plaintiffs State of Texas, State of Alaska, State of Arkansas, State of Florida, State of Idaho, State of Indiana, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nevada, State of North Dakota, Commonwealth of Puerto Rico, State of South Carolina, State of South Dakota, and State of Utah (collectively "State Plaintiffs") stipulate as follows:

WHEREAS, on September 13, 2022, the Court issued its Opinion and Order on Google's Motion to Dismiss Counts I Through IV of the States' Third Amended Complaint (ECF No. 308, the "Opinion and Order");

WHEREAS, on November 18, 2022, the Court issued Pre-Trial Order No. 4, ordering State Plaintiffs and Google to meet and confer on a stipulation as to the effect of the Opinion and Order on any of the State Plaintiffs' state law claims and to report to the Court within 21 days (*see* ECF No. 392, ¶ 4);

NOW THEREFORE, Google and State Plaintiffs ("the parties"), through their respective counsel, hereby stipulate as follows:

1. Where the Opinion and Order has determined the viability of any federal antitrust claim based on certain conduct, the parties stipulate that the Opinion and Order is also determinative of any state antitrust claim based on that same conduct;
2. Any state law antitrust claim is deemed dismissed to the extent that it is based on conduct alleged to serve as a basis for a federal antitrust claim that the Opinion and Order dismissed;
3. The parties have not reached any agreement—and this Stipulation should not be interpreted as expressing a view—as to whether any state law antitrust claim based on conduct, other than conduct described in paragraph 2, should be deemed dismissed;
4. If any portion of the Opinion and Order is reversed on appeal, Google will not take the position that State Plaintiffs, by entering into this Stipulation, have waived any state antitrust claim based on such portion of the Opinion and Order;
5. The Opinion and Order did not determine the viability of the State Plaintiffs' claims arising under the deceptive trade practice acts of the various State Plaintiffs; and

6. The parties have not reached any agreement—and this Stipulation should not be interpreted as expressing a view—as to whether State Plaintiffs may further amend their pleadings with respect to state antitrust claims or any other claims.

IT IS SO STIPULATED.

Dated: December 9, 2022

/s/ Eric Mahr

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*The stipulation is entered as an Order of the Court with the following provision:
By February 24, 2023, the parties shall submit a stipulation describing with particularity the claims or portions of claims covered by paragraph 2.
SO ORDERED
[Signature]
USPJ
12-14-22*

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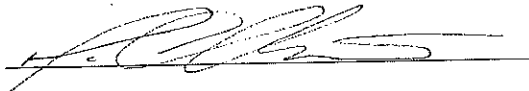
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

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